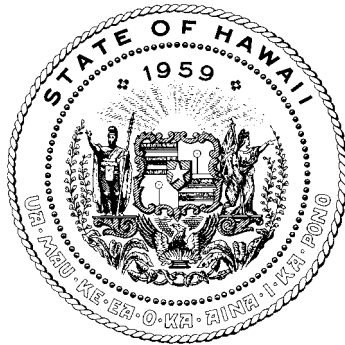


REPORT TO THE TWENTY- THIRD LEGISLATURE

2006 REGULAR SESSION

RELATING TO PUBLIC LAND LIABILITY



PREPARED BY

THE STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
NA ALA HELE TRAIL AND ACCESS PROGRAM

IN RESPONSE TO SECTION 14 OF ACT 82, SLH 2003

HONOLULU, HAWAII
NOVEMBER 2005

**REPORT TO THE TWENTY- THIRD LEGISLATURE
REGULAR SESSION OF 2006
RELATING TO PUBLIC LAND LIABILITY**

Purpose

This report is in response to Section 4 of Act 82, Session Laws of Hawaii (SLH) 2003. Act 82, SLH 2003 established and mandates that the risk assessment working group to submit a report of its recommendations and of the consultation provided to the board of land and natural resources, including a list of warning signs, devices, and systems on improved and unimproved public lands subsequently approved or disapproved by the board, to the Legislature.

Background Information

- The members of the Risk Assessment Working Group (RAWG) (Appendix 1) reviewed ocean safety signs established through Act 190, SLH 1996, as well the most current warning sign standards from the American National Standards Institute. Using the current ANSI guidelines, the RAWG designed safety signs to address the following priority natural hazards: flash floods, falling rocks, hazardous cliffs, submerged hazards (no jumping or diving) as well as ancillary uniform management signs (end of trail, end of road, area closed). The RAWG has also drafted sign placement guidelines to accompany these signs.
- In 2004, five public informational Meetings were conducted statewide to solicit input on the proposed design of the signs. These meetings were hosted by the Na Ala Hele (NAH) Trail and Access Program Staff and the Island NAH Trail and Access Advisory Council meetings. The proposed set of signs was also posted on the following Internet site: <http://www.state.hi.us/dlnr/warningsigns>. The public was instructed to submit comments via email to the DLNR Chairperson's designee for the RAWG. Comments were received and a few specific aspects related to sign design were revised accordingly.

Hawaii Administrated Rules (HAR): The Design and Placement of Warning Signs on Improved Public Lands

- In 2004, DLNR completed the first draft of the proposed HAR for the Design and Placement of Warning Signs on Improved Public Lands mandated by Act 82. These were circulated to the RAWG members for review and comment. The City and County of Honolulu submitted comments that were incorporated.
- In February of 2005, the proposed HAR were approved by the Board of Land and Natural Resources (BLNR) for approval to proceed with Chapter 91, HRS. and undergo public hearings.
- In May, 2005, the Governor approved the proposed HAR for public hearing.
- The DLNR Chairperson's designee for the RAWG proceeded with public notice and the hearing occurred at 6:00 p.m., Tuesday August 23, 2005, at the Kalanimoku building, Oahu (The DLNR Board room.) The DLNR Chair's designee conducted the public hearing, with RAWG members attending from the Division of Forestry and Wildlife, Division of State Parks, and the Office of the Attorney General.
- Oral and written comments were received from the public and the proposed HAR are being revised accordingly - there were no substantive changes recommended.
- It is anticipated that the proposed HAR may be presented to the BLNR, for final approval before the end of 2005. An evaluation of warning sign placement for specific DLNR features that is based on the draft HAR and RAWG guidelines will also be finalized and presented to the BLNR for approval.

Risk Assessment Working Group Members

- 1) Dan Quinn, Administrator
Department of Land & Natural Resources - State Parks Division
1151 Punchbowl Street, Room 310 - Honolulu, Hawaii 96813
- 2) Paul Conry, Administrator
Department of Land & Natural Resources - Division of Forestry and Wildlife
1151 Punchbowl Street, Room 325 - Honolulu, Hawaii 96813
- 3) Curt Cottrell, Program Manager
Department of Land & Natural Resources - Division of Forestry and Wildlife
Na Ala Hele Trail and Access Program
1151 Punchbowl Street, Room 325 - Honolulu, Hawaii 96813
(DLNR Chairman Young's designee)
- 4) Cindy Inouye - Deputy Attorney General - Civil Rights Division,
Office of the Attorney General - Hale Auhau - 425 Queen Street
Honolulu, Hawaii 96813
- 5) Thomas Fake - National Parks Service - Pacific Islands Support Office
300 Ala Moana Blvd., Room 6-226 - Box 50165 - Honolulu, Hawaii 96850
(Sign design consultant)
- 6) David Deleon - County of Maui
200 South High Street - Wailuku, Maui, HI 96893
(Maui County Mayor Arakawa's designee)
- 7) Troy Kindred, Civil Defense Administrator
County of Hawaii - 920 Ululani Street - Hilo, HI 96720
(Hawaii County Mayor Kim's designee)
- 8) Corporation Counsel - City & County of Honolulu
530 South King St. - Honolulu, HI 96813
(City and County of Honolulu designee)
- 10) Gerald Estenzo, Risk Management - County of Kauai
Moikeha Building - 4444 Rice Street, Suite 280 - Lihue, Hawaii 96766
(Kauai County Mayor Baptiste's designee)